

NL 8/22/02  
Amendment  
81962 Order

SDMS Document



97633

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,  
Plaintiff,

v.

ALLIED WASTE PRODUCTS INC., et al.  
Defendants.

Civil Action No. 00 cv 3520 (WHW)

Hon. William H. Walls

FILED

MAY 8 2002

AT 8:30  
WILLIAM T. WALSH  
CLERK

CONSENT ORDER

After the United States of America ("United States") lodged a Consent Decree ("Lodged Decree") with the Court on July 18, 2000, certain defendants notified the United States of the existence of errors in the Lodged Decree. In order to correct these errors, the Lodged Decree is hereby modified as follows:

- 1) The signature page of Cousins Metal Industries, Inc., which was inadvertently omitted from the Lodged Decree and is attached hereto as Exhibit 1, shall be inserted after the signature page of Coiners' Scrap Iron & Metal, Inc. in the Lodged Decree.
- 2) The signature pages for eleven (11) defendants: Walker Metallurgical Corp., V & V Recycling, Inc., Sussman Brothers & Company, Superior Companies, S.D. Richman Sons, Inc., Halpern & Stein, Inc. (Halpern & Company, Inc.), General Steel & Supply Co., Elizabethton Herb & Metal Co., Inc., Curcio Scrap Metal Inc., Cambridge Iron & Metal Co., Atkin's Waste Materials, Inc., were inadvertently included in the Lodged Decree and shall be removed.
- 3) The signature page of U.C.O. - M.B.A. Corporation (Metal Bank of America, Inc.), which is attached hereto as Exhibit 2, shall replace the signature page of American Recovery Co., Inc. in the Lodged Decree. This substitution is appropriate because U.C.O. - M.B.A. Corporation

(Metal Bank of America, Inc.) is the correct corporate name of the entity the United States intended to name as a defendant. American Recovery Co., Inc., a sister corporation of U.C.O. - M.B.A. Corporation (Metal Bank of America, Inc.), is not a defendant in this matter.

4) The document entitled "Amended Attachment A," which is attached hereto as Exhibit 3, shall replace Attachment A of the Lodged Decree. This substitution:

(a) reflects the name change in the signature page with regard to U.C.O. - M.B.A.

Corporation (Metal Bank of America, Inc.) noted in Paragraph (1) above,

(b) reflects the full corporate name ("Cousins Metal Industries, Inc.") of the named defendant Cousins Metals, and

(c) replaces incorrect settlement figures for Daniels and Miller, Inc. and Penn Harris Metals Corp., (\$33,510.22 and \$53,422.79, respectively) with the correct settlement figures (\$8,531.17 and \$34,597.14, respectively)

(d) corrects typographical errors in the corporate names of four (4) settling defendants: Associated Lead, Inc. (now known as AI Divestitures, Inc.); Capitol Bag & Waste Co., Inc.; The Dexter Corporation, as successor to Alco Scrap Metal Company and Alco-Met, Inc.; and Johns Hopkins University.

5) The document entitled "Amended Appendix B," which is attached hereto as Exhibit 4, shall replace Appendix B of the Lodged Decree. This substitution removes extraneous pages that were inadvertently inserted in place of the Site Map during the process of copying the documents for lodging and service. The Site Map was originally included in Attachment B of the Lodged Decree when it was executed by the Defendants.

6) The modifications do not affect any parties to the Lodged Consent Decree, except those referenced specifically herein.<sup>1/</sup> All parties to the Action have received notice of this Consent Order, and no objection has been raised. Those parties specifically referenced herein have signed this Consent Order to indicate their consent.

SO ORDERED THIS

*gt*

DAY OF

*May*, 20*22*

*[Signature]*

United States District Judge

For: THE UNITED STATES OF AMERICA

Date: 7-9-02

By:

*Elise S. Feldman*

Elise S. Feldman (EF1204)  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
(202) 514-3483

---

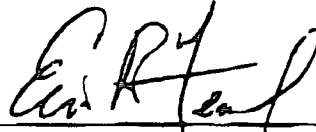
<sup>1/</sup> The signature pages of all Settling Defendants refer to this Action as it was originally styled, "U.S. v. Ace Battery Company, et al."

Susan Cassell  
Assistant United States Attorney  
District of New Jersey  
970 Broad Street  
Newark, New Jersey 07102  
(973) 645-2847

Of Counsel:  
Damaris Cristiano  
Assistant Regional Counsel  
Environmental Protection Agency, Region II  
290 Broadway - 17th Floor  
New York, New York 10007-1866

For: U.C.O. - M.B.A. CORPORATION (METAL  
BANK OF AMERICA, INC.)

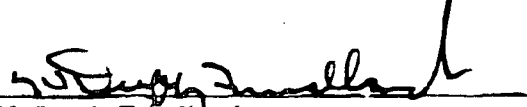
Date: 10/21/01



Eric R. Fencil  
c/o Outsourcing Solutions Inc.  
390 South Woods Mill Road. Ste 350  
St. Louis, MO 63017

For: DANIELS AND MILLER, INC.

Date: 11/13/01

  
H. Duffy Friedlander  
242 North Hamilton Avenue  
P.O. Box 848  
Greensburg, PA 15601-0848

For: PENN HARRIS METALS CORP.

Date: 11/27/01




Richard E. Abrams, Chairman & CEO  
Consolidated Scrap Resources, Inc.  
Successor to

Penn Harris Metals Corp.  
Post Office Box 1761  
Harrisburg, PA 17105

For: COUSINS METAL INDUSTRIES, INC.

Date: 10-22-01



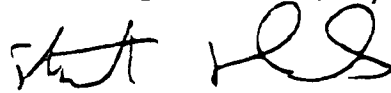
Kristin Carter Rowe  
Young, Sommer, Ward, Ritzenberg, Wooley,  
Baker & Moore, LLC  
Executive Woods  
Five Palisades Drive  
Albany, NY 12205



For:

ASSOCIATED LEAD INC.  
(now known as AI Divestitures, Inc.)

Date: 3/6/88



~~Stephen H. Schroeder~~  
Head of HS & E  
~~Cookson Group PLC~~  
One Cookson Place  
Providence, RI 02903

Stuart L. Daniels  
President

For:

CAPITOL BAG & WASTE CO., INC.

Date:

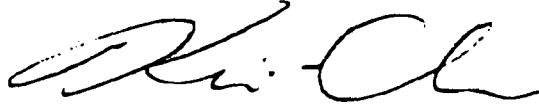
10/18/01



Robert J. Alessi  
LeBoeuf, Lamb, Greene & MacRae, LLP  
One Commerce Plaza, Suite 2020  
99 Washington Avenue  
Albany, NY 12210-2820

For:

HENKEL CORPORATION FOR LOCTITE  
CORPORATION, AS SUCCESSOR TO THE DEXTER  
CORPORATION, AS SUCCESSOR TO ALCO SCRAP  
METAL COMPANY AND ALCO-MET, INC.



---

Kevin M. Chu  
Assistant General Counsel  
Henkel Corporation  
The Triad - Suite 200  
2200 Renaissance Boulevard  
Gulph Mills, PA 19406

For:

JOHNS HOPKINS UNIVERSITY

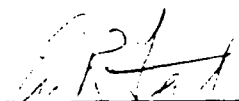
Date: 10/30/01

Estelle A. Fishbein  
Estelle A. Fishbein  
Vice President and General Counsel  
3400 N. Charles Street/ 113 Garland Hall  
Baltimore, MD 21218

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of U.S. v. Ace Battery Company et. al., relating to the NL Industries, Inc., Superfund Site.

FOR DEFENDANT U.C.O.-M.B.A. Corporation (Metal Bank of America, Inc.)  
(Please Type the Name of the Defendant)

Date:       

Signature: 

Name: Eric R. Fencil  
(Please Type the Name of the Signatory)

Address: c/o Outsourcing Solutions Inc.  
390 South Woods Mill Road, Ste. 350  
St. Louis, MO 63017

Agent Authorized to Accept Service on Behalf of Above-signed Party:

Name: Robert W. Weidner  
Title: Attorney - At - Law  
Address: Mattioni, Ltd.  
399 Market Street, 2nd Floor  
Philadelphia, PA 19106

THE UNDERSIGNED PARTY enters into this Consent Decree in the matter of U.S. v. Ace Battery Company et. al., relating to the NL Industries, Inc., Superfund Site.

FOR DEFENDANT COUSINS METAL INDUSTRIES, INC.  
(Please Type the Name of the Defendant)

Date:

9/20/98

Signature:



Name:

Shelly Gering

(Please Type the Name of the  
Signatory)

Address: 460 Brown CourtOceanside, NY 11572

Agent Authorized to Accept Service on Behalf of Above-signed  
Party:

Name: Kristin Carter Rowe, Esq.

Title: \_\_\_\_\_

Address: Young, Sommer ... LLCExecutive Woods, 3 Atrium DriveAlbany, NY 12205

**AMENDED ATTACHMENT A**  
**NL INDUSTRIES SUPERFUND SITE, PEDRICKTOWN, NJ.**  
**DE MINIMIS DEFENDANTS AND SETTLEMENT PAYMENT AMOUNTS**

<u>DEFENDANT NAME</u>	<u>PAYMENT</u>
Allied Waste Products, Inc.	\$1,414.68
Ansam Metals Corporation	\$5,033.28
Associated Lead Inc. (now known as Al Divestitures, Inc.)	\$4,295.03
Belmont Metals Inc.	\$3,196.91**
Brandywine Recyclers, Inc.	\$1,369.59
Brookfield Auto Wreckers Inc.	\$2,461.90
Campbell Soup Company	\$2,725.72
Capitol Bag & Waste Co., Inc.	\$2,962.96
City Metal Co., Inc.	\$17,575.19**
C & R Waste Materials of Beakes St., Trenton, NJ and Hooper Avenue. Brick, NJ	\$1,280.75
Coiners' Scrap Iron & Metal, Inc.	\$4,203.67
Cousins Metal Industries, Inc.	\$59,827.49
Daniels & Miller, Inc.	\$8,531.17
Davis Bros. Scrap Co., Inc.	\$59,484.66
Davis Industries	\$5,540.95
Delaware Valley Scrap Co.	\$2,941.09
The Dexter Corporation, as successor to Alco Scrap Metal Company and Alco-Met, Inc.	\$3,118.76
Douglas Battery Manufacturing Company	\$20,488.73**
East Penn Manufacturing Company, Inc.	\$2,791.00
Fry Metals	\$10,485.88
General Motors Corporation	\$202,694.00
Gregory's Auto Supply/ta Gregory's Machine Shop	\$922.03
Hammond Group, Inc.	\$2,395.91**
I. Broomfield & Son	\$8,813.84
Jacobson Metal Company	\$17,458.08
James Metals, Inc. of Clearwater	\$1,417.38
Joe Allen Scrap Yard	\$2,710.91
Johns Hopkins University	\$8,885.18
Jones Motor Co., Inc.	\$15,830.72
The Kirk Battery Company	\$2,872.44
Koehler Mfg. Co.	\$5,252.90
Lancaster Salvage Co.*	\$32,988.63
James Marceline Salvage Co.	\$11,158.63
Maryland Metals, Inc.	\$17,108.11
The Mearl Corporation (Englehard Corporation)	\$2,805.14
U.C.O.-M.B.A. Corp. (Metal Bank of America)	\$84,704.68**
Mayer Alloys Corporation	\$14,672.46

Mid City Scrap Iron & Salvage Co., Inc.	\$2,577.66
Lucent Technologies Inc. as successor in interest to and for and in place of AT&T Corp. and corporate entities comprising Nassau Smelting & Refining, and Nassau Recycling	\$233,069.47**
<b>Penn Harris Metals Corp.</b>	<b>\$34,597.14</b>
Peanut City Iron & Metal Co., Inc.	\$36,709.74
Raleigh Junk Company	\$6,012.07
Resources Alloys & Metals, Inc.	\$8,068.26
Silver's Auto Parts, Inc.	\$2,677.26
NEPS Holding Corp., Inc. formerly Sola Metals Co., Inc.	\$14,847.77
Tonolli Canada LTD.*	\$21,851.54
United Steel & Metals	\$1,558.71
Willoughby Iron & Waste Materials	\$50,495.16

<b>TOTAL</b>	<b>\$703,448.34</b>
--------------	---------------------

\*\* Amount credited to Defendant for its previous contribution of funds towards work at the Site.



\* Two de minimis parties, Lancaster Salvage Co. and Tonnoli Canada Ltd., raised an inability to pay defense and requested a payment plan under which their total allocation amounts would be paid in installments. EPA approved these payment plans with the condition that interest on any payments made beyond thirty days of entry of the Consent Decree must be included. Interest will be at the current rate specified for interest on investments of the Hazardous Substance Superfund established by 26 U.S.C. § 9507. For Fiscal Year ("FY") 2000 the rate is 5.3%.

Lancaster Salvage Co.

Total Allocation Amount Due: \$32,988.63

1<sup>st</sup> payment due within 30 days of entry of Decree: \$5,498.11  
(no interest due on this payment because timely-made)

Remaining Balance: \$27,490.52

Following the first payment, Lancaster Salvage will make five additional payments of \$5,498.11 each plus interest every month for five months.

Later payments will be affected by a new rate of interest which will be established on October 1, 2000. EPA will give notice of the new rate. It will be used in determining payments made after October 1, 2000. Lancaster Salvage Co. may pay any of its remaining balance early in order to avoid payment of interest.

Tonnoli Canada Ltd.

Total Allocation Amount Due: \$21,851.54

1<sup>st</sup> payment due within 30 days of entry of Decree: \$5,500.00  
(no interest due on this payment because timely-made)

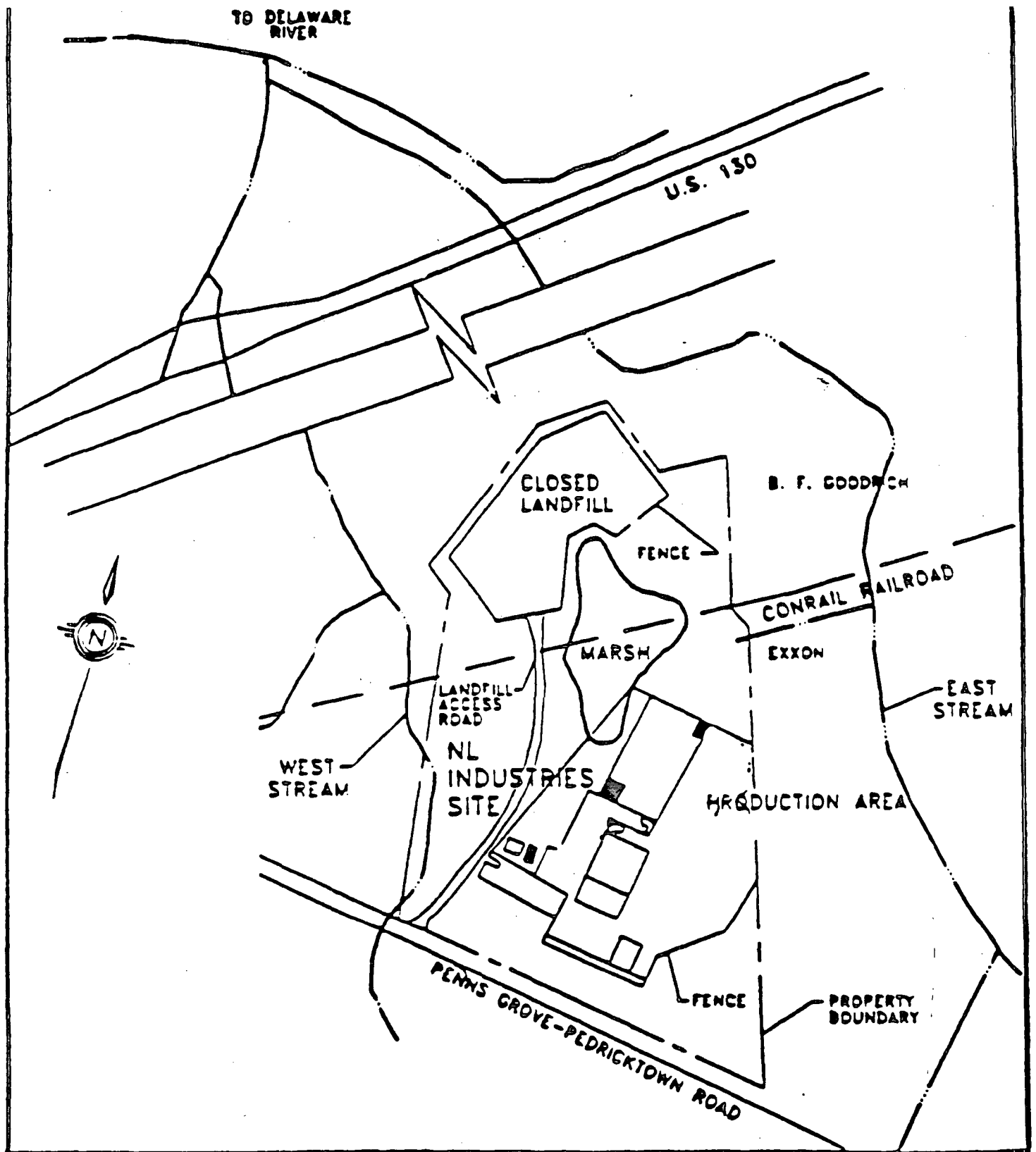
Remaining Balance: \$16,351.54

Following the first payment, Tonnoli Canada Ltd. will make three additional payments every other month plus interest. The first two payments will be \$5,500.00 each plus interest and the final payment will be \$5,351.54 plus interest.

Later payments will be effected by a new rate of interest which will be established on October 1, 2000. EPA will give notice of the new rate. It will be used in determining payments made after October 1, 2000. Tonolli Canada Ltd. may pay any of its remaining balance early in order to avoid payment of interest.

Amended  
Appendix B

Site Map



N.L. INDUSTRIES SITE LOCATION  
NOT TO SCALE